

1 Carol B. Lewis, (SBN. 130088)
2 carol.lewis@reedsmitth.com
3 REED SMITH LLP
4 355 South Grand Avenue, Suite 2900
5 Los Angeles, CA 90071-1514
6 Telephone: +1 213 457 8000
7 Facsimile: +1 213 457 8080

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9 Attorneys for Defendants
10 CareFirst of Maryland, Inc. d/b/a/Care
11 First BlueCross Blue Shield, Group
12 Hospitalization and Medical Services Inc.
13 d/b/a CareFirst BlueCross BlueShield
14 and CareFirst Blue Choice, Inc.,
15 erroneously sued herein as CareFirst of
16 Maryland, Inc.

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

14 STANFORD HEALTH CARE, a non-
15 profit public benefit California
16 corporation,

17 Plaintiff,

18 v.

19 CAREFIRST OF MARYLAND, INC.
20 doing business as CAREFIRST
21 BLUECROSS BLUESHIELD; and
22 DOES 5 THROUGH 25, inclusive,

23 Defendants.

24 Case No. 5:22-cv-06041-PCP

25 Hon. Judge P. Casey Pitts,
26 Courtroom 8

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**DEFENDANTS' AMENDED NOTICE
OF MOTION DISMISS FIRST
AMENDED COMPLAINT FOR (1)
LACK OF PERSONAL
JURISDICTION; (2) LACK OF
SUBJECT MATTER
JURISDICTION; AND (3) FAILURE
TO STATE A CLAIM**

Date: November 9, 2023
Time: 10:00 a.m.
Ctrm: 8

Complaint Filed: October 13, 2022
FAC Filed: May 17, 2023

1 **TO PLAINTIFF AND TO ITS ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on November 9, 2023 at 10:00 a.m., or as soon
3 thereafter as the matter may be heard, in Courtroom 8 of the above-entitled Court
4 located at 280 South 1st Street, San Jose, CA 95113, Defendants CareFirst of Maryland,
5 Inc. d/b/a/ CareFirst BlueCross Blue Shield, Group Hospitalization and Medical
6 Services Inc. d/b/a CareFirst BlueCross BlueShield and CareFirst Blue Choice, Inc.,
7 (“Defendants”) will move, and hereby do move, this Court for an order dismissing the
8 First Amended Complaint (“FAC”) of Plaintiff Stanford Healthcare (“Plaintiff”), and
9 both causes of action asserted therein, pursuant to Federal Rules of Civil Procedure
10 (“Fed.R.Civ.P.”), Rule 12(b)(2) for lack of personal jurisdiction (Claim Nos. 1, 2, 4, 6
11 and 7 on Exhibit A to Complaint), and Fed.R.Civ.P. 12(b)(6) for failure to state a claim
12 upon which relief may be granted.

13 Defendants also move to dismiss the FAC pursuant to Fed.R.Civ.P. 12(b)(1), to
14 the extent it relates to health care services provided to a member enrolled in a Federal
15 Employee Health Benefit (“FEHB”) plan for lack of subject matter jurisdiction (Claim
16 No. 6 on Exhibit A to the original Complaint).

17 Finally, CareFirst BlueCross Blue Shield should be dismissed as a defendant
18 because it is a trade name, not a legal entity capable of being sued.

19 This Motion was fully briefed prior to the transfer of this case from the
20 Honorable Beth Labson Freeman to this Court. This Motion is based on the
21 previously filed Notice of Motion and Motion (Dkt. 24), the accompanying
22 Declaration of Kim Rothman (Dkt. 24-1), as well as the papers, pleadings and other
23 documents on file in this action, judicially noticeable materials, and such other and
24 further oral or documentary evidence as may be presented at or before the hearing.
25 The opposition and reply were filed at Dkt. 28 and Dkt. 29, respectively.

1 Dated: September 7, 2023

REED SMITH LLP

2 By: /s/ Carol B. Lewis

3 Carol B. Lewis

4 Attorney for Defendants CareFirst of
5 Maryland, Inc., Group
6 Hospitalization and Medical Services
7 Inc. d/b/a CareFirst BlueCross
8 BlueShield and CareFirst Blue
9 Choice, Inc.

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11 REED SMITH LLP
12 A limited liability partnership formed in the State of Delaware
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